

STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq., the "Act"), and Indiana Department of Environmental Management's permitting authority under IC 13-15, as amended, the City of Indianapolis is authorized to discharge storm water and allowable non-storm water pursuant to Part I.B. of this permit from all municipal separate storm sewer system outfalls owned or operated by the consolidated City of Indianapolis, to receiving waters of the state including, but not limited to, the White River, Buck Creek, Pleasant Run (south), East Fork of White Lick Creek, Grassy Creek, Flat Branch, Eagle Creek, Fall Creek and their tributaries in accordance with the non-numeric effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, III, IV, and V hereof.

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as are required by the Indiana Department of Environmental Management no later than one-hundred eighty (180) days prior to the date of expiration.

Signed this \_\_\_\_\_, for the Indiana Department of Environmental Management.

\_\_\_\_\_  
Bruno Pigott  
Assistant Commissioner  
Office of Water Quality

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## **PART I**

### **Applicability**

#### **A. Permit Coverage Area**

This permit applies to municipal separate storm sewer system (MS4) conveyances and outfalls located within the area established under the Indianapolis-Marion County Unigov statute (IC 36-3-5). This MS4 area, exclusive of the MS4 areas in Beech Grove, Lawrence, Southport, and Speedway, will be referred to as the City's MS4, or MS4 area.

This permit also applies to the four (4) Marion County colleges and universities designated by the Indiana Department of Environmental Management (Department) as regulated MS4 entities. The institutions of Butler University, Indiana University-Purdue University Indianapolis, Marian College, and the University of Indianapolis, discharge primarily to the City's storm sewer system.

#### **B. Discharges Authorized under this Permit:**

1. **Storm Water:** This permit authorizes the discharge of storm water (including snowmelt) to waters of the state from all known outfalls of the MS4 conveyances, identified in the most recent annual report submittal to the Department, owned or operated by the consolidated City of Indianapolis (City) or any of the other entities listed in Part I.A. of this permit. Municipal separate storm sewer (defined in 40 CFR 122.26(b)(8)) means, in part, a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains. New areas (and their associated outfalls) shall be added to the MS4 area in accordance with Part II.H.3.
2. **Non-Storm Water:** This permit also authorizes the discharge of storm water commingled with flows contributed by process wastewater, non-process wastewater, storm water associated with industrial activity, or other non-storm water discharges, to waters of the state from known outfalls of the MS4 conveyances owned or operated by the City, provided the discharges are regulated by other NPDES permits or are otherwise authorized below. The following non-storm water discharges or flows are authorized by this permit provided they are not identified by either the City or the Department as significant sources of pollutants to waters of the state. The City shall implement and incorporate appropriate control measures in the Storm Water Quality Management Program (SWQMP), described in Part II of this permit, if any of these discharges are identified as significant sources of pollutants. The Department may add or remove categories of non-storm water discharges.
  - a. water line flushing
  - b. landscape irrigation
  - c. diverted stream flows
  - d. uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20))
  - e. uncontaminated pumped ground water
  - f. discharges from potable water sources
  - g. foundation drains
  - h. uncontaminated condensate from air conditioning units, coolers, and other compressors, and from outside storage of refrigerated gases or liquids
  - i. irrigation water
  - j. springs

- k. water from crawl space pumps
  - l. footing drains
  - m. lawn watering
  - n. non-commercial car washing by residents or by non-profit organizations
  - o. flows from riparian habitats and wetlands
  - p. dechlorinated/debrominated swimming pool discharges
  - q. street wash waters
  - r. fire fighting activities
  - s. rising ground waters
3. Storm water and allowable non-storm water discharges, referenced in Part I.B.1. and Part I.B.2. of this permit, from the MS4 area shall meet the conditions listed in Part I.B.3.a. through Part I.B.3.e. If a storm water discharge from the MS4 area causes or contributes to any impairment of a designated or existing use or any violation of receiving water quality standards, the City shall modify the SWQMP, in accordance with Part II.H.1., within forty-five (45) days of the violation being reported or known to the City, to address the deficiencies and to prevent future use impairments or water quality violations. The City may request an extension in writing if additional time is needed to adequately address the violations.
- a. The discharges shall be free from substances, materials, floating debris, oil, or scum that will settle to form putrescent or otherwise objectionable deposits in the receiving waters.
  - b. The discharges shall be free of substances that are in amounts sufficient to be unsightly or deleterious or which produce color, visible oil sheen, odor, or other conditions in the receiving waters in such degree as to create a significant nuisance.
  - c. The discharges shall not contain knowable substances in an amount sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants or humans in the receiving waters.
  - d. The discharges shall not contain substances or combination of substances in amounts that will cause or contribute to the growth of aquatic plants or algae to such degree as to create a significant nuisance, be unsightly or otherwise significantly impair the designated uses of the receiving waters.
  - e. The discharges shall not impair designated or existing uses of the receiving waters.

**c. Permittee's Responsibilities**

The City is responsible for:

- 1. Compliance with permit conditions relating to discharges from the MS4 conveyances which the City owns or operates, but is not responsible for ensuring the compliance of any individual MS4 entity listed in Part I.A. of this permit.
- 2. Development, updates, and implementation of the SWQMP in the MS4 area which the City owns or operates.

3. Implementation of additional controls, where necessary, to reduce the discharges of pollutants in storm water to meet the water quality standards listed in Part I.B.3.a through Part I.B.3.e of this permit.
4. Coordination, data compilation, and documentation of the compliance and implementation responsibilities required in Part I.C. of this permit.
5. Providing personnel and fiscal resources for the necessary updates of the SWQMP and its components.
6. Providing technical and administrative support for committees that will be organized to implement the SWQMP and its components.
7. Providing technical support for the watershed teams identified by the City, as they are established.
8. Compliance with the implementation schedule and annual reporting requirements in Part III.
9. Collection, evaluation, assessment, and reporting of monitoring data required in Part III.

**D. Definitions:**

1. "City" refers collectively to specific units of municipal government controlled within or by the City of Indianapolis – Marion County unified government's footprint, including the City of Indianapolis, Marion County, the nine townships, and any other municipal corporation in Marion County other than the four excluded cities; Speedway, Southport, Lawrence, and Beech Grove. This includes all departments and districts for each governmental unit, including for example public works, parks, police, fire, schools, etc.
2. "Dechlorinated/debrominated swimming pool discharges" means a pool discharge that contains chlorine or bromine concentrations below five one-hundredths (0.05) milligram per liter of residual.
3. "Department" means the Indiana Department of Environmental Management.
4. "Illicit connection" means a physical connection to an MS4 conveyance that conveys illicit discharges into the MS4 conveyance.
5. "Illicit discharge" means any discharge or seepage to an MS4 conveyance that is not composed entirely of storm water except discharges authorized pursuant to Part I.B.1. and Part I.B.2. of this permit. Illicit discharges include non-storm water discharges through illicit connections, and dumping of motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, animal wastes, or any other waste directly into an MS4 conveyance.
6. "Watershed Team" means a volunteer group of local stakeholders gathered together to organize resources for the assessment, planning, restoration and education of a defined area watershed.

## **PART II**

### **Storm Water Quality Management Program**

The permittee is required to develop, implement and enforce a Storm Water Quality Management Plan (SWQMP) which shall include controls necessary to reduce the discharge of pollutants from the MS4 conveyances to meet the Indiana narrative water quality standards listed in Part I.B.3. of this permit. These standards shall be met using controls which may consist of a combination of best management practices (BMPs), control techniques and systems, design and engineering methods, public participation and education, and other appropriate provisions designed to limit the discharge of pollutants from the MS4 conveyances and which are environmentally beneficial and technically and economically feasible. The permittee may participate with other permittees, municipalities, public agencies, or private entities in a cooperative effort to satisfy program elements of the SWQMP.

If requested by IDEM, a revised SWQMP shall be submitted to the Department for review no later than ninety (90) days from the date of the request or otherwise agreeable to both parties. Modifications to the SWQMP shall be made in accordance with Part II.H2.

#### **A. Legal Authority:**

1. The City shall operate pursuant to its legal authority to control discharges to and from those portions of the MS4 conveyances which it owns or operates. This legal authority may be a combination of statute, ordinance, permit, contract, order, or similar means enabling the City to meet the criteria below. When existing legal authority is not sufficient to meet these criteria, the permittee shall seek the additional authority needed to enable the City, at a minimum to:
  - a. Control the contribution of pollutants to the MS4 conveyances from storm water discharges associated with industrial activity, including construction sites.
  - b. Prohibit illicit discharges to the MS4 conveyances, and require removal of illicit connections.
  - c. Control the discharge of spills and the dumping or disposal of materials other than storm water and non-storm water authorized under Part I.B.1. and Part I.B.2. into the MS4 conveyances.
  - d. Require compliance with conditions in ordinances, permits issued by the City, contracts, or orders.
  - e. Carry out inspection, surveillance, and monitoring procedures necessary to determine compliance with permit conditions, including the prohibition of illicit discharges to the MS4 conveyances.
  - f. Coordinate with and maintain, where applicable, legal agreements with the cities of Lawrence, Speedway, Beech Grove and Southport regarding the contribution of pollutants from one permitted MS4 conveyance to another. The legal agreements may be a combination of contract, order, or similar means enabling the City or entity to meet the criteria listed in Part II.A.1.a. through Part II.A.1.e. for each listed entity. If not already in place, these legal contracts/agreements shall be pursued by the City and obtained within one hundred and twenty days (120) days from the effective date of

- this permit. If not obtained within this timeframe, the City shall demonstrate that the entity was engaged to establish a legal contract/agreement.
- g. Comply with all requirements of this permit.
2. When existing legal authority is not sufficient to meet the above listed criteria and the City is in the process of seeking authority to meet stated criteria, reasonable extension of a schedule shall be granted to allow for effective legal process to be completed.
  3. The City shall continue to enter into legal contracts or agreements with the entities listed in Part I.A. of this permit to control discharges to and from those portions of the MS4 area that are owned or operated by the entities. This action may be a combination of contract, order, or similar means enabling the City or entity to meet the criteria listed in Part II.A.1.a. through Part II.A.1.e. for each listed entity.

**B. Pollution Prevention, Operations and Maintenance:**

1. MS4 Conveyance Maintenance Activities: The MS4 conveyances and storm water structural treatment controls owned or operated by the City or entity listed in Part I.A. of this permit shall be operated in a manner to reduce the discharge of pollutants to meet the Indiana narrative water quality standards listed in Part I.B.3. of this permit. At a minimum, the City shall:
  - a. Continue existing operation and maintenance procedures for structural treatment controls.
    - (1) The operation and maintenance procedures shall be documented with each annual report of the permit term.
  - b. The City has developed and implemented a standard operating procedure (SOP) for the inspection and cleaning of open channels and ditches. The SOP identifies the inspection process and the schedule for which open channels and ditches in the MS4 area regulated under this permit are inspected. The SOP also defines the conditions under which cleaning of open channels and ditches become necessary, and require that the cleaning be conducted based on priorities and schedules established in the SOP. The SOP includes a checklist that is utilized for the inspections.
    - (1) The SOP, approved by the Department during the second permit term (Permit No. INS040001) shall continue to be implemented by the City in accordance with the schedule set forth in the SOP.
    - (2) In each annual report of permit coverage, a summary of the open channel and ditch inspections will be provided which indicates the number of inspections, the number of cleanings, and the estimated amount of the trash and debris material removed.
  - c. Review current maintenance activities to assure that appropriate storm water BMPs are being utilized, the conditions of this permit are met, and the discharges of pollutants is minimized during MS4 conveyance maintenance and clean out.



- (1) The review of these MS4 conveyance maintenance activities, including any conclusions or recommendations, shall be documented, and submitted to the Department with the annual report for the second year of the permit term.
  - (2) The City shall implement such maintenance activities, as necessary, to meet the conditions of this permit.
- d. The City has developed and implemented a SOP for the inspection and cleaning of City-owned parking lots exposed to storm water. The SOP identifies the inspection process and the schedule for which City-owned parking lots are inspected. The SOP also defines the conditions under which cleaning of parking lots becomes necessary and requires that the cleaning be conducted based on priorities and schedules established in the SOP. The SOP includes a checklist that is utilized for the inspections.
  - (1) The SOP, approved by the Department during the second permit term (Permit No. INS040001) shall continue to be implemented by the City in accordance with the schedule set forth in the SOP.
  - (2) In each annual report of permit coverage, a summary of the parking lot inspections will be provided which indicates the number of inspections, the number of cleanings, and the estimated amount of the trash and debris material removed.
2. Roadways: Public streets, roads, and highways owned or operated by the City shall be operated and maintained in a manner to reduce the discharge of pollutants, including those pollutants related to deicing or sanding activities, from the MS4 conveyances to meet the Indiana narrative water quality standards listed in Part I.B.3. of this permit. The City shall:
  - a. Continue the program to prioritize and mark storm drain inlets and catch basins within the MS4 area that was developed and approved during the second permit term (Permit No. INS040001).
    - (1) The City shall continue to periodically inspect and, as needed, re-establish the legibility of the markings. The written plan for these programs shall be reviewed and modified as necessary.
    - (2) The City shall indicate what, if any changes are made to the program in the ensuing annual report.
    - (3) Follow-up inspections are not required for storm drain castings.
  - b. Continue to prioritize the inspection and cleaning of catch basins and inlets within the MS4 area based on observed and historical volumes of trash and/or debris accumulation.
    - (1) The results of the inlet and catch basin cleaning in the MS4 area shall be reported to the Department with each annual report of the permit term.
  - c. Continue to prioritize curbed streets and/or street segments within the MS4 area for sweeping based on the observed and historical volumes of trash and/or debris accumulated on the streets.
    - (1) The results of the street sweeping in the MS4 area shall be reported to the Department with each annual report of the permit term.

- d. Continue the existing, or set up another means of, tracking the estimated amount of salt, sand, and calcium chloride compounds applied to the roadways throughout the winter season in the MS4 area.
  - (1) The amount of deicing materials applied shall be minimized, while not adversely impacting public safety.
  - (2) The tracking data shall be reported to the Department with each annual report.
- e. Continue with the existing, or set up a program to include identification and correction of damaged and eroding areas in rights-of-way owned by the City. The program should include both an inspection and a repair component with a prescribed schedule based upon priorities and budgets.
  - (1) Data on the identification and correction of damaged and eroding areas in rights-of-way shall be reported to the Department with each annual report.
- f. Continue to include a requirement in roadside and median maintenance contracts that contractors dispose of debris and litter in accordance with applicable state law.
  - (1) Report to the City the amount of debris and litter that is properly disposed.
  - (2) The amount of debris and litter collected for disposal shall be reported to the Department with each annual report.
- 3. Vehicle Maintenance, Material Storage, and Vehicle Yard Areas: The City shall implement pollution prevention practices for City-owned vehicle maintenance facilities, material storage facilities, and vehicle yard areas which have the potential to discharge pollutants in storm water.
  - a. This implementation shall include good housekeeping practices, material storage control, vehicle leaks and spill control, and illicit discharge control.
  - b. The City has developed and implemented a SOP for the inspection and cleaning of City-owned maintenance facilities and vehicle yard areas. The SOP defines the conditions under which cleaning of the facilities and yard areas becomes necessary, and requires that the cleaning be conducted based on priorities and schedules established in the SOP. The SOP includes a checklist that is utilized for the inspections.
    - (1) The SOP, approved by the Department during the second permit term (Permit No. INS040001) shall continue to be implemented by the City in accordance with the schedule set forth in the SOP.
    - (2) In each annual report of the permit term a summary of the inspections will be provided which indicates the number of facilities inspected and the number of cleanings conducted.
  - c. City-owned or operated vehicle and equipment wash areas:
    - (1) Wash waters shall be contained on-site, discharged directly to a sanitary sewer, or allowed to discharge via an appropriate NPDES wastewater permit.
- 4. Flood Control Projects: Procedures to assure that impacts on receiving water quality are assessed for all flood or storm water management projects and that existing structural flood control devices have been evaluated to determine if retrofitting the device to provide additional pollutant removal from storm water is feasible have been

documented and submitted to the Department during the second permit term (Permit No. INS040001). The City shall, at a minimum:

- a. Report significant or fundamental changes in the procedures to the Department with the ensuing annual report.
5. Pesticide and Fertilizer Application: The City shall continue to implement a pesticide and fertilizer program for City operations to reduce the potential discharge of these pollutants from the MS4 conveyances to meet the Indiana narrative water quality standards listed in Part I.B.3. of this permit.
  - a. If pesticides and fertilizers are not used, certified documentation shall be provided by the City that no pesticides and fertilizers are used or stored within the MS4 area.
  - b. This certification must be provided no later than one-hundred eighty (180) days from the effective date of this permit.
  - c. If there is potential for pesticide and fertilizer usage within the MS4 area, the program shall include:
    - (1) Development of a standardized protocol for the routine and non-routine application of pesticides and fertilizers.
    - (2) Assurance that pesticides or fertilizers will not be applied immediately before, during, or after a rain event or when water is flowing off the area to be applied.
    - (3) Assurance that no banned or unregistered pesticides are stored or applied.
    - (4) Assurance that staff applying pesticides are certified by the Indiana Office of the State Chemist, or are under the direct supervision of a certified pesticide applicator.
    - (5) Implementation of procedures to encourage retention and planting of native vegetation and to reduce water, fertilizer, and pesticide needs.
    - (6) Storage of fertilizers and pesticides indoors, under cover on paved surfaces, or inside secondary containment. As appropriate, reductions in the usage, storage, and handling of pesticides and fertilizers to reduce the potential for spills.
    - (7) Regular inspection of storage areas.
    - (8) Development and implementation of an education program for appropriate City and entity personnel and City or entity-hired application contractors.
    - (9) Development of a public education program for the proper application of pesticides and fertilizers as outlined in Part II.G. of this permit.
6. The City or entity listed in Part I.A. of this permit shall:
  - a. Train their employees within three-hundred sixty-five (365) days of the effective date of this permit, in targeted positions (whose interactions, jobs, and activities affect storm water quality) regarding the requirements of the SWQMP to promote a clear understanding of the potential for maintenance activities to pollute storm water and identify and select appropriate BMPs.
  - b. A certification of this training shall be submitted to the Department with the annual report for the first year of the permit term. If an initial training session has already been held for employees, the additional training requirement shall be used as refresher training.
  - c. Records of this training session or subsequent ones shall be maintained by the City.

**C. Post-Construction Storm Water Run-off (New Development and Redevelopment):**

1. The City completed a comprehensive planning process in 2001 that resulted in the development, implementation, and enforcement of long-term controls to reduce the discharge of pollutants from areas of new development and redevelopment that disturb one half (1/2) or more acres of land within the MS4 area covered by this permit. In addition to implementing and enforcing the requirements of Chapter 561 (Drainage and Sediment Control) of the Code of the City of Indianapolis and Chapters 104.2 (Stormwater Quality), 600 (Erosion and Sediment Control) and 700 (Storm Water Quality) of the City of Indianapolis' *Stormwater Design and Construction Specifications Manual*, this process shall include:
  - a. Modifying, as necessary, the *Stormwater Design and Construction Specifications Manual* to include a standard design requirement for new development and redevelopment to use appropriate technology for the collection and treatment of storm water run-off.
  - b. Providing guidance for the use of sustainable development, particularly as it applies to storm water management infrastructure.
  - c. Minimizing pollution from new parking lots through the use of appropriate treatment control BMPs and good housekeeping practices. At a minimum, planned parking lots shall have storm water run-off control BMPs whenever the total new imperviousness of the developed site exceeds one-half (1/2) acre. The total imperviousness shall include features such as building rooftops, driveways, sidewalks, and parking lots.
  - d. Minimizing pollution (especially lead, copper, zinc, and poly-aromatic hydrocarbons) from new retail gasoline outlets through the use of appropriate treatment control BMPs and good housekeeping practices. At a minimum, planned retail gasoline outlets shall have storm water run-off control BMPs whenever the total new imperviousness of the developed site exceeds one-half (1/2) acre. The total imperviousness shall include building rooftops, driveways, sidewalks, and parking lots.
  - e. Properly designing and maintaining storm water treatment control BMPs in a manner that allows for optimal water quality improvement function.
  - f. Providing the appropriate permanent measures to reduce storm water pollutant loads in storm water from the development site. These measures shall include controls for post-development peak storm water run-off discharge rates, velocities, and duration to prevent accelerated receiving water erosion and to protect receiving water habitat.
  - g. Training of appropriate City staff regarding the requirements associated with storm water quality management and post-construction run-off.
    - (1) When changes to the water quality management requirements occur, the staff training session shall be documented, with an agenda for the training and the roster of attendees reported in the ensuing annual report.
    - (2) Training must be attended annually by each inspector and designer employed and/or contracted by the City.

2. Establish policy and procedures regarding implementation of the Post-Construction Storm Water Run-off Control component that will include:
  - a. Develop and/or evaluate existing inspection policy and procedures for the maintenance and long-term functionality (quality and quantity) of post-construction storm water systems. Complete within one (1) year of issuance of this permit.
  - b. Establish a Quality Assurance component to ensure that staff employed and/or contracted by the City is performing monitoring of post-construction measures that deficiencies are being addressed by the City or other entities operating under the direction of the City. Complete the Quality Assurance Plan within one (1) year from the issuance of the permit. Upon request, submit the Quality Assurance Plan, including all applicable forms to the Department within five (5) business days.
3. Identify and clarify jurisdictional limits for implementation of the Post-Construction Site Run-off Control component, specifically related to storm water drainage systems and pollution reduction goals. As applicable, this shall be demonstrated through written policy and administration of Memorandums of Agreement (MOA) with Beech Grove, Lawrence, Southport, and Speedway. The following items must be addressed as part of this item:
  - a. Clearly define where Indianapolis has authority to administer the Post- Construction Storm Water Run-off Control program.
  - b. Define roles and responsibilities within each community.
  - c. Review annually, the implementation of each MOA.
4. The City will develop goals and objectives annually as part of the Annual Report that identifies program weaknesses, obstacles, program improvements, and training that will be administered in the year following the annual report.

**D. Illicit Discharges and Improper Disposal:**

1. Illicit Discharges and Improper Disposal: The City shall develop and implement an inspection program designed to detect and remove illicit discharges and improper disposal into the MS4 conveyances, or if applicable, notify the Department of the identity of the discharger so that the Department may require the discharger to obtain an NPDES permit for the discharge. The inspection program shall include the following:
  - a. Implementation and enforcement of ordinances, orders or similar means to prevent illicit discharges to the MS4 conveyances.
  - b. As was determined during the second permit term, the most cost effective and practicable method for implementing the practice of dry weather screening for outfalls is to perform screening in conjunction with the storm water drainage system inventory. In the annual report for each year of the permit term, provide a summary of the City's dry weather screening program to the Department, which includes:
    - (1) Total number of outfalls screened;
    - (2) total number and location of outfalls where dry weather flows were evident; and
    - (3) narrative results of follow-up actions taken where dry weather flows were evident.

Screening methodology may be developed and/or modified based on experience gained during actual field screening activities and need not conform exactly to the protocol at 40 CFR 122.26(d)(1)(iv)(D).

- c. Screening of twenty (20) percent of all outfalls must be completed annually, with all screening to be completed by the end of the 5<sup>th</sup> year of the permit term.
- d. Continue to investigate areas of the MS4 area that, based on the results of dry weather screening or other information, indicate a reasonable potential for containing illicit discharges or other sources of unauthorized non-storm water. The procedures shall include use of permittee's legal authority and follow-up inspections, as appropriate, to remove the illicit discharges or unauthorized non-storm water discharges, or refer the discharger to the Department for an NPDES permit.
- e. A procedure which, upon identification of a responsible party, requires the responsible party to stop the discharge immediately and/or clean up the dumped materials as necessary.
- f. Controls to limit infiltration into the MS4 conveyances from municipal sanitary sewers. The permittee shall continue current programs such as the inflow and infiltration program designed to minimize the possibility of migration of sewage from sanitary systems to the MS4 conveyances.

2. MS4 area mapping: The City shall continue development of a storm sewer system map, showing the location of all known outfall systems and names and locations of waters of the state that receive discharges from those outfalls. The mapping began during the second permit term (Permit No. INS040001). A map developed under this subsection must meet the following:
  - a. As a minimum, longitude and latitude for mapped outfalls must be done in decimal degrees, or, if a global positioning system is utilized, mapping-grade accuracy data shall be collected, where an accuracy discrepancy is less than five (5) meters.
  - b. All known outfall conveyance systems with a pipe diameter of twelve (12) inches or larger and open channels must be mapped. The mapping requirements do not include private or mutual drains, or curbs, roadways and gutters.
  - c. At a minimum, the rate of mapping shall be at least twenty percent (20%) of the entire MS4 conveyances per year and the mapping will be completed by the end of the permit term.
  - d. A certification of mapping shall be submitted for each year of the permit term. In years two (2) and four (4), the certification shall be submitted with the annual report.
3. Pesticide Facilities: The City, in cooperation with the Marion County Health Department, shall continue its program for inspecting newly-licensed pesticide applicator facilities throughout the county.
  - a. The inspections shall be documented and tracked, and should include the verification of the information in Part II.B.5.
  - b. The inspection protocol submitted to the Department with the annual report for the first year of the previous permit term shall be followed.
  - c. If changes are made to the protocol, the changes will be submitted to IDEM with the annual report for that year.
4. Spill Prevention and Response: The City shall continue current programs aimed at spill prevention and response. These programs include the Marion County Emergency Management Plan for Hazardous Materials Emergencies, Chapter 20 of the Marion County Health Department ordinance, and the City's Action Center for reporting spills and illegal dumping. The City shall:
  - a. In addition to the number of telephone calls received and field responses conducted, data shall be tracked on the number and type of responses and material spilled or dumped that potentially have an impact on storm water quality.
5. Management of Used Oil and Toxics: The City shall:
  - a. Continue the existing used oil collection and household hazardous waste collection programs in the County.

## **E. Industrial Run-off Control**

**Industrial and High Risk Run-off:** The City shall identify, monitor, and control pollutants in the storm water discharges to the MS4 conveyances from restaurants, municipal landfills, hazardous waste treatment, storage, disposal and recovery facilities, industrial facilities subject to Title III, Section 313 of the Superfund Amendments and Reauthorization Act of 1986 (SARA), industrial facilities subject to the storm water industrial permit, and industrial facilities that the City determines are contributing a substantial pollutant loading to the MS4 conveyances.

1. The industrial run-off control program shall consist of:
  - a. Identification of the above-mentioned industrial sources that discharge into the MS4 conveyances.
  - b. Maintaining an inventory or database of the above-mentioned facilities. Tracked information shall include the facility name, owner/operator name, facility address, coverage under an NPDES permit, and a narrative description, including Standard Industrial Classification (SIC) Code, that best reflects the facility activities. The tracked information shall be updated annually.
  - c. Conducting inspections at all known facilities in the categories listed in Part II.E of this permit, at a level as specified in the following subsections.
    - (1) All known facilities shall be inspected once during the five (5)-year term of this permit, provided that the first inspection does not require a second inspection to verify compliance.
    - (2) A certification of implementing these inspections shall be submitted to the Department with the annual report for the second year of the permit term.
    - (3) If these inspections identify that a facility is deficient in its pollution prevention measures and practices, the facility will be required by the City to correct the deficiencies.
    - (4) Restaurants: The City, in cooperation with appropriate departments (such as health or public works), shall inspect all known restaurants within its jurisdiction to confirm that storm water BMPs are being effectively implemented in compliance with State law, County and municipal ordinances, and the SWQMP. At each restaurant, inspectors shall verify that the restaurant operator:
      - (a) has received educational materials on storm water pollution prevention practices;
      - (b) does not pour oil and grease or oil and grease residue onto a parking lot, street, or catch basin;
      - (c) keeps the trash bin area clean and trash bin lids closed, and does not fill trash bins with washout water or any other liquid;
      - (d) does not allow illicit discharges, such as discharge of washwater from floormats, floors, porches, parking lots, alleys, sidewalks, and street areas (in the immediate vicinity of the establishment), filters, or garbage/trash containers; and
      - (e) removes food waste, rubbish or other materials from parking lot areas in a sanitary manner that does not create a nuisance or discharge to the storm drain.



(5) Automotive Service Facilities:

- (a) The City shall inspect twenty-five (25) automotive service facilities annually within its jurisdiction to ascertain if these facilities have implemented the employee education programs that were developed and distributed to automotive service facilities during the second permit term (NPDES Permit No. INS040001).
- (b) The twenty-five inspections will be conducted, and the results evaluated, in time to report on the inspections with the annual report for the second year of the permit term.
- (c) If the results indicate that automotive service facilities have not implemented the employee education programs the City will develop a revised education strategy that will be provided to the Department with the annual report for the second year of the permit term and that will be implemented upon approval by the Department.

(6) Retail Gasoline Outlets:

- (a) The City shall inspect twenty-five (25) retail gasoline outlets within its jurisdiction annually each year during the permit term to ascertain if these outlets have implemented the employee education programs that were developed and distributed to retail gasoline outlets during the second permit term (NPDES Permit No. INS040001).
- (b) The twenty-five (25) inspections will be documented and evaluated for compliance. Results will be included in the annual report submitted to the Department.
- (c) If an employee education program has not been implemented by the retail station, a sixty (60) day notice will be provided to the retailer for compliance. Failure to comply could result in further enforcement action.”

(7) Municipal Landfills:

- (a) The City shall inspect all known operating licensed landfills within its jurisdiction at a minimum of once every permit term to confirm that storm water BMPs are being effectively implemented in compliance with County and municipal ordinances, and the SWQMP.
- (b) At each landfill, inspectors shall verify, through a landfill records review, that each operator has a current storm water discharge permit from IDEM that addresses storm water discharges or a current landfill permit, addressing storm water run-off quality, under 329 IAC 10, an on-site Storm Water Pollution Prevention Plan, and determined no illicit discharges or connections exist.

(8) Hazardous Material Treatment, Storage, Disposal, and Recovery Facilities:

- (a) The City shall inspect all known hazardous material treatment, storage, disposal and recovery facilities within its jurisdiction to confirm that storm water BMPs are being effectively implemented in compliance with County and municipal ordinances, and the SWQMP.
- (b) At each facility, inspectors shall verify, through a facility records review, that each operator has a current operational permit under 329 IAC 11, and determined no illicit discharges or connections exist.

- (9) Title III Industrial Facilities:
  - (a) The City shall inspect all known facilities subject to Title III, Section 313 of SARA, within its jurisdiction to confirm that storm water BMPs are being effectively implemented in compliance with County and municipal ordinances, and the SWQMP.
  - (b) At each facility, inspectors shall verify, through a facility records review, that each operator has a current operational permit under 329 IAC 11, and determined no illicit discharges or connections exist.
- (10) Industrial Facilities:
  - (a) The City shall inspect all known facilities subject to the IDEM industrial storm water general permit within its jurisdiction to confirm that storm water BMPs are being effectively implemented in compliance with County and municipal ordinances, and the SWQMP.
  - (b) At each facility, inspectors shall verify, through a facility records review, that each operator has a current storm water discharge permit for their industrial operations (from IDEM), basis for exclusion from storm water permitting, or an appropriately completed conditional “No Exposure Exclusion” or “Notice of Intent” form, as applicable, an on-site Storm Water Pollution Prevention Plan, and determined no illicit discharges or connections exist.
- (11) Industrial Facilities Contributing Substantial Pollutant Loadings:
  - (a) The City shall inspect all known facilities that have been identified as substantial pollutant loading contributors to the MS4 conveyances within its jurisdiction to confirm that storm water BMPs are being effectively implemented in compliance with County and municipal ordinances, and the SWQMP.
  - (b) At each facility, inspectors shall verify, through a facility records review or on-site observations, that each operator has implemented BMPs to reduce the pollutant loadings, determined no illicit discharges or connections exist, and, as appropriate, obtained necessary state or local operational or discharge permits.
- d. Maintaining records, including inspection reports, supporting documentation for proving substantial pollutant loading contributions, warning letters, notices of violations, and any other enforcement records, which demonstrate a good faith effort to bring facilities into compliance.
- e. Controlling the contribution of pollutants from storm water discharges associated with industrial activity from facilities categorized in Part II.E. of this permit, or notifying the Department of such discharges that the City determine are contributing a substantial pollutant loading to the MS4 conveyances, and if possible, providing the name of the discharger to assist the Department in pursuing any enforcement action under state issued permits, Rules, or Indiana Code.

- f. Notifying the Department of, upon determination, the identification of those facilities which need to obtain NPDES permits for storm water discharges associated with industrial activity.

## **F. Construction Site Run-off Control**

Construction Site Run-off: The City shall implement and maintain a program requiring structural and non-structural BMPs by persons involved in activities that disturb one (1) or more acre of land to reduce pollutants in storm water run-off to meet the Indiana narrative water quality standards listed in Part I.B.3. of this permit from construction sites to the MS4 conveyances. At a minimum, the program shall include:

1. The conditions of 327 IAC 15-5 or applicable IDEM Master General Permit.
  - a. Performance associated with construction site run-off projects must be administered in a manner that is consistent with state regulatory requirements. Where warranted, the following will be addressed through modification of the appropriate city ordinance or through establishment and implementation of policies and procedures. To achieve consistency, the City will specifically:
    - (1) Review Chapters 104.2 and 600 of the City's *Stormwater Design and Construction Specifications Manual* and Chapter 561 of the Code of the City of Indianapolis to verify that these documents are at least as stringent as 327 IAC 15-5 or when issued the IDEM Master General Permit for Storm Water Construction Site Run-off.
    - (2) Specifically evaluate and if warranted modify the definition of land disturbance to ensure the applicability for permitting is consistent with state requirements.
    - (3) Complete the review, identify all discrepancies/issues within the program, and develop an implementation plan with schedule no later than six (6) months after issuance of this permit. IDEM will review the schedule for acceptance or request the City reevaluate the schedule and resubmit. Upon successful submittal of the plan and schedule, report progress quarterly until such time that the City incorporates modifications into appropriate codes, ordinances, and/or policies/procedures.
2. Continued implementation and enforcement of the requirements of Chapter 561 of the Code of the City of Indianapolis and Chapters 104.2 and 600 of the City's *Stormwater Design and Construction Specifications Manual*. Upon notification by the Department, the City must modify appropriate legal authorities to be consistent with modifications to 327 IAC 15-5 or issuance of a Master General Permit for Storm Water Construction Site Run-off. Upon notification a plan to implement the modifications will be submitted by the City to the Department for concurrence.
3. Submittal of an NOI letter and construction site plan in accordance with 327 IAC 15-5 or once issued by IDEM the Master General Permit for Storm Water Construction Site Run-off for projects owned and/or operated by the City. A Notice of Intent must be submitted to the Department, and the associated construction plans must be submitted to either the Marion County Soil and Water Conservation District or to the Department for review and approval.
4. For construction site projects operated by the City that involve less than one (1) acre of land disturbance or are not part of a larger common plan of developemnt, the projects will comply with Chapter 600 of the City's *Stormwater Design and Construction Specifications Manual*.

5. Development of a Memorandum of Agreement between the City of Indianapolis and the Marion County Soil and Water Conservation District (SWCD) that details the responsibilities for the implementation of items II.F.2 and II.F.3. The MOA should be in place by the end of the first year of the permit term and a certification of entering into the agreement should be provided with the annual report for the first year of the permit term. Upon finalization, continue to implement the MOA between Indianapolis and the SWCD. The role of the SWCD and the City must be incorporated into policy and procedures to ensure the responsibilities are administered and acted upon. If the MOA is terminated, the City must have a plan in place to administer the program in advance to ensure all activities performed by the SWCD are absorbed into the Indianapolis program. Indianapolis must notify the Department in writing of termination of the MOA and their plan to administer the responsibilities of that the SWCD performed in the MOA with 30 days.
6. Requirements for the submittal of a copy of permit applications by project operators for construction projects within the MS4 area to the Department.
  - a. The City will maintain an inventory of all project non-compliance activities, violations, and enforcement actions associated with regulated construction projects that are cited by representatives of the SWCD or City employed/contracted inspection staff.
  - b. The inventory will include name of inspector, types of violations, and action taken.
  - c. This information must be provided to the Department within 48 hours of a request.
  - d. The City shall provide web access for review of construction site project permit data within the MS4 area. This access shall include the project name, the project site address or other location information, and project approval status. Items identified in items a and b above may also be tracked in this system, but is not required.
7. A training program for construction site inspectors employed by the City or entities listed in Part I.A. of this permit. This program shall educate inspectors on the importance of storm water management techniques and principles, erosion and sediment control measures, including storm water quality measures that are implemented to reduce pollutants in run-off from construction sites.
  - a. Training must be attended annually by each inspector employed and/or contracted by the City.
  - b. Plan review staff, employed and/or contracted by the City must also attend applicable training annually related to the Construction Site Run-off Control component.
  - c. This training shall be documented, and include a roster of attendees. The training agenda and roster must be included in the annual report.
8. Establish policy and procedures regarding implementation of the construction site run-off program that will include:
  - a. Regulatory Component (projects regulated by the City):
    - (1) Develop and/or evaluate existing inspection and plan review forms to ensure there is a component for erosion and sediment control. Upon adoption of forms, train staff accordingly. Complete within one (1) year of issuance of this permit.

- (2) Reevaluate and revise the policy related to enforcement of violations, including fines, stop work orders, and other mechanisms that will improve compliance. Complete within one (1) year of issuance of this permit and include a summary in the Annual Report.
- b. Projects Owned and/or Operated by the City:
  - (1) Develop and/or evaluate existing self monitoring program forms and policies and procedures associated with projects owned and operated by the City. Complete within one (1) year of issuance of this permit.
  - (2) Establish a Quality Assurance component to ensure that staff employed and/or contracted by the City is performing self monitoring inspections and that deficiencies are being addressed by the City or other entities operating under the direction of the City. Submit the Quality Assurance Plan, including applicable forms to the Department no later than six (6) months from issuance of the permit.
9. Identify and clarify jurisdictional limits for implementation of the Construction Site Run-off Control component. As applicable, this shall be demonstrated through written policy and administration of Memorandums of Agreement (MOA) with Beech Grove, Lawrence, Southport, and Speedway. The following items must be addressed as part of this item:
  - a. Clearly define where Indianapolis carries out all or part of the Construction Site Run-off Control program.
  - b. Define roles and responsibilities within each community.
  - c. Review annually, the implementation of each MOA.
10. The City will develop goals and objectives annually as part of the Annual Report that identifies program weaknesses, obstacles, program improvements, and training that will be administered in the year following the annual report.

**G. Public Education and Outreach/Public Participation and Involvement**

The City shall implement and further develop a public education and outreach and public involvement and participation minimum control measure throughout the five (5)-year term of the permit. The program shall promote, publicize, and facilitate storm water education to inform residents, visitors, public service employees, commercial and industrial facilities, and construction site personnel within Marion County about the impacts polluted storm water run-off can have on water quality and ways they can minimize their impact on storm water quality.

The City shall include a summary of public education best management practices in the annual report. The public education and outreach and public involvement and participation shall, at a minimum, include the following best management practices:

1. Encourage public reporting of illicit discharges or improper disposal of materials into the MS4 conveyances, clogged catch basin inlets, and faded or lack of storm drain markings.
  - a. The reporting shall be accomplished by the use of a countywide hotline telephone number, the City web site, or other City-determined means.
  - b. Relevant hotline information must be updated when necessary.
  - c. The City shall advertise and promote the availability of these reporting methods to the general public through local media (i.e. telephone book) and on the City's web site.
  - d. The City shall compile a list of the general public reporting contacts from entities listed in Part I.A. of this permit, and make this information available on the City web sites, and upon request.
2. Continue the assessment strategy to estimate the current level of public involvement throughout Marion County related to storm water issues. The strategy was developed and approved during the second permit term.
3. Using applicable public notification protocols, involve, and seek input from, the public in the SWQMP through meetings or other means, and support efforts to improve water quality in the MS4 area. This may be achieved by establishing a local action or advisory group.
4. Educate the public on the proper management and disposal of used motor oil and toxic materials, including the availability and locations of facilities for disposal or drop-off of household hazardous wastes, chemicals, grass clippings, leaf litter, animal wastes, and motor fluids.
5. Educate residential, business and commercial users regarding acceptable application and disposal of pesticides, herbicides and fertilizers.

6. Educate residents concerning the ultimate discharge point and potential impacts of pollutants from the MS4 conveyances serving their place of residence, their workplace, and the roads on which they drive, including the need for members of the public to take responsibility for, and stewardship in, their water resources.
  - a. The City shall continue to mark all identified high priority storm drain inlets with a legible “no dumping” message. High priority storm drains are defined in the drain marking plan that was developed and approved during the second permit term.
  - b. The City shall post signs with prohibitive language discouraging illegal dumping at designated public access points to water bodies within the MS4 area.
  - c. Signage and storm drain messages shall be legible and maintained as necessary during the term of this permit.
7. Provide education to school children on storm water pollution issues. The program, implemented during the second permit term, will be reported on in the annual report for each year of the permit term. The City will also provide access to storm water educational materials at public locations, such as but not limited to parks or museums.
8. Educate construction site operators, contractors and engineers on the importance of storm water management techniques and storm water quality measures to reduce pollutants in run-off from construction sites annually, alone or in partnership with other entities
9. Provide educational opportunities for owners of riparian properties being used for commercial purposes and municipal employees and/or contractors concerning proper management of stream banks and riparian lands to protect water quality at least once during the permit term.
10. Provide educational opportunities for business and corporate managers about storm water regulations, storm water pollution and BMPs, and methods to facilitate employee compliance with storm water regulations at least once each year during the permit term. This educational initiative shall identify different stakeholders each year during the permit term.
11. Provide educational opportunities for property owners, developers, and land use planners on the advantages of sustainable development, focused on “green” storm water infrastructure and low impact development principles.
12. Conduct an assessment of constituent knowledge and practices as they relate to storm water quality during each permit term. The assessment should be conducted during the first year of the permit period with results reported in the annual report submitted in the second permit year. Specific target outreach or reduction goal percentages and timetables must be identified.

**H. Program Revisions:****1. City-Requested SWQMP Modifications:**

The City may change the SWQMP during the life of the permit in accordance with the following procedures:

- a. The SWQMP shall not be changed by the City without the prior approval of the Commissioner.
- b. Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWQMP may be made by the City at any time upon written notification to the Department.
- c. Changes replacing an ineffective or infeasible BMP specifically identified in the SWQMP with an alternate BMP may be requested by the City at any time. Unless denied by the Commissioner, the change shall be deemed approved and may be implemented by the City within sixty (60) days from submittal of the request, unless otherwise agreed to by both parties. Such requests must include the following:
  - (1) An analysis of why the original BMP is ineffective or infeasible (including cost prohibitive);
  - (2) expectations on the effectiveness of the replacement BMP; and,
  - (3) an analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.
- d. Change requests or notifications must be made in writing and signed in accordance with Part V.C.6.
- e. So long as the City has complied with the procedures set forth above and is implementing the revised SWQMP and its components, the City does not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water standards unless directed by the Department to develop additional BMPs.

**2. Department-Requested SWQMP Modifications:** The Commissioner may require changes to the SWQMP as needed to address:

- a. Changes in state or federal statutes or regulations applicable to discharges of storm water;
- b. Exceedances of water quality standards caused or contributed to by discharges from the MS4 conveyances;
- c. Compliance with regional, watershed specific requirements, or waste load allocations developed and approved pursuant to the process for the designation and implementation of Total Maximum Daily Loads (TMDLs) for impaired water bodies;
- d. Other modifications deemed necessary by the Commissioner to meet the requirements of the Clean Water Act, state or federal regulations or permit conditions.

Changes requested by the Commissioner shall be made in writing, set forth a time schedule for the City for development, and offer the City the opportunity to propose alternative program changes to meet the objective of the request.

**3. Management Area Expansion:** The City shall implement the SWQMP in all new or annexed areas which the City becomes responsible for and which are added to the MS4 area as expeditiously as practicable, but not later than three (3) years from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional



time for controls that cannot be implemented immediately. Within ninety (90) days after the completion of land annexation, the City shall submit to the Department a schedule for extending the SWQMP to the annexed areas and notification of the transfer of responsibility on the affected portions of the MS4 area.

## I. Compliance Schedule

Storm Water Management Program Component	Activity	Due Date (Time after Permit Effective Date)
<b>SWQMP</b>	Submit revised SWQMP upon request (Part II)	Three (3) Months upon receiving request
<b>Legal Authority</b>	Legal Agreements, not in effect at the time of this permit, shall be obtained and effective (Part II, A. 1. f)	Completed within four (4) months
<b>Pollution Prevention, Operations &amp; Maintenance</b>	Submit certification that pesticides and fertilizers are not being used or stored (Part II. B. 5. b.)	Submitted within Six (6) months
	Submit certification that the city has conducted employee training on pollution prevention, operations, and maintenance (Part II. B. 6. a.)	Submit with Annual Report Year 2 and 4
	Submit the required information listed in Part II. B.	Submit with Annual Report Year 2 and 4
<b>Post-Construction</b> New Development & Redevelopment	Train staff and submit certification that the city has conducted employee training regarding the requirements associated with post-construction storm water run-off (Part II. C.)	Submit with Annual Report Year 2 and 4
	Develop and/or evaluate existing inspection policy and procedures for the maintenance and long-term functionality (quality and quantity) of post-construction storm water systems (Part II. C. 2. a.)	Complete within 12 months
	Establish a Quality Assurance Plan (QAP) (Part II. C.2. b.)	Complete within 12 months Upon request, submit within five (5) days
	Submit the required information listed in Part II. C.	Submit with Annual Report Year 2 and 4
<b>Illicit Discharges &amp; Improper Disposal</b>	Submit certification that twenty (20%) percent of all outfalls are screened annually with all screening completed by the end of the fifth (5) year of the permit (Part II D. 1. b. and c.)	Submit with Annual Report Year 2 and 4
	Submit certification that twenty (20%) percent of the entire MS4 conveyances are mapped per year with the mapping completed by the end of the fifth (5) year of the permit (Part II D. 2. d.)	Submit with Annual Report Year 2 and 4
	Submit the required information listed in Part II. D.	Submit with Annual Report Year 2 and 4
<b>Industrial Run-off Control</b>	Submit the automotive service facility inspection status (Part II. E. 1. c. (5) (b))	Submit with Annual Report Year 2 and 4
	Submit the retail gasoline outlets inspection evaluation status (Part II. E. 1. c. (6) (b))	Submit with Annual Report Year 2 and 4
	Submit the required information listed in Part II. E.	Submit with Annual Report Year 2 and 4

<b>Construction Site Run-off Control</b>	Submit an implementation plan with schedule related to an evaluation of the construction site run-off minimum control measure and consistency with the state requirements ( <a href="#">Part II.F. 1. a. (1) through (3)</a> )	Complete review and develop implementation plan within 6 months Report progress on implementation quarterly
	Submit certification that a memorandum of understanding between the City of Indianapolis and the Marion County Soil and Water Conservation District (SWCD) has been implemented ( <a href="#">Part II.F.5.</a> )	Submit with Annual Report Year 2
	Submit certification that an annual training program for construction site inspectors employed by the City or entities listed in Section I.A. is implemented annually ( <a href="#">Part II.F.7.</a> )	Submit with Annual Report Year 2 and 4
	Develop and evaluate current forms for inspection and plan review and upon completion train staff ( <a href="#">Part II F. 8. a. (1)</a> )	Complete within 12 months
	Reevaluate and revise policy related to enforcement process ( <a href="#">Part II F. 8. a. (2)</a> )	Complete within 12 months Submit with Annual Report Year 2
	Submit the required information listed in <a href="#">Part II. F.</a>	Submit with Annual Report Year 2 and 4
<b>Public Education &amp; Outreach Public Participation &amp; Involvement</b>	Submit the required information listed in <a href="#">Part II. G.</a>	Submit with Annual Report Year 2 and 4
<b>Assessment of Controls</b>	Submit certification that the City has conducted an annual review to assess the effectiveness of the current SWQMP ( <a href="#">Part II. J.</a> )	Submit with Annual Report Year 2 and 4
<b>Monitoring Program</b>	Submit monitoring reports to the department ( <a href="#">Part IV. A. 1.</a> )	Monthly
<b>Compliance Reports</b>	Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit. ( <a href="#">Part IV. A. 2.</a> )	No later than 14 days
<b>Annual Report</b>	Submit an annual report containing the required information listed in ( <a href="#">Part IV. A. 3. and for specific elements in Parts II and III</a> )	Submit with Annual Report Year 2 and 4

**J. Assessment of Controls:**

1. The City shall conduct an annual review to assess the effectiveness of their current SWQMP, (including both structural and non-structural practices), in conjunction with the preparation of the annual report. The review shall, at a minimum, consist of:
  - a. An estimate of overall reductions in loadings of pollutants discharged from the MS4 conveyances. This may include a review of monitoring data for trends, including reductions in annual pollutant loadings, or using a computer model to estimate program effectiveness. If technically and economically feasible, include an estimate of the pollutant loading reductions attributed to each major component of the SWQMP. Reductions may also be assessed by indirect or programmatic measurements.
  - b. Identification of known impacts of storm water controls on ground water.
  - c. Identification of areas or locations where structural storm water controls will be placed to improve water quality within the MS4 area.
2. The City shall conduct or participate in studies to evaluate the effectiveness of structural control BMPs, and shall develop recommendations for appropriate BMPs for the reduction of pollutants of concern in storm water within the MS4 area as part of the continued implementation and support for Chapter 700 of the *Stormwater Design and Construction Specifications Manual*.

### **PART III**

#### **Monitoring**

Sampling of ambient receiving water conditions shall be conducted to provide data to characterize storm water discharge quality, assess the effectiveness and adequacy of BMPs implemented under the SWQMP, identify and prioritize areas of the MS4 area that may be contributing excessive levels of pollutants and will therefore require additional controls, estimate monthly pollutant loadings and mean concentrations for each identified location as required in Part III.A. and Part III.B, and identify water quality improvements or degradation. The monitoring program shall, at a minimum, consist of:

#### **A. Storm Water Monitoring Locations**

1. Ambient Receiving Water Sampling Frequency and Location: The permittee shall sample at twenty-eight (28) in-stream sites. The approximate locations of the sampling sites are:

**Table III A**

<b>Outfall</b>	<b>General Description</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Status</b>
001S	Little Buck Creek and State Road 37/Belmont Avenue	39°39'59.348"N	86°11'47.389"W	Active, Subject to Sampling
002S	Lick Creek and Harding Street	39°42'30.181"N	86°11'13.363"W	Active, Subject to Sampling
003S	Little Eagle Creek and 10th Avenue	39°46'48.584"N	86°13'50.558"W	Active, Subject to Sampling
004S	Buck Creek and Maze Road	39°38'31.171"N	85°57'17.118"W	Active, Subject to Sampling
005S	Buck Creek and Troy Avenue	39°43'33.601"N	85°58'20.338"W	Inactive, Not subject to Sampling
006S	Crooked Creek and Cold Spring Road	39°49'03.447"N	86°12'02.665"W	Active, Subject to Sampling
007S	Fall Creek and Emerson Way	39°51'07.303"N	86°05'13.420"W	Active, Subject to Sampling
008S	Fall Creek and 16th Street	39°47'19.697"N	86°10'38.840"W	Active, Subject to Sampling
009S	Fall Creek and 71st Street	39°53'01.055"N	86°00'16.758"W	Active, Subject to Sampling
010S	Big Eagle Creek and Dandy Trail	39°48'50.459"N	86°18'11.320"W	Active, Subject to Sampling
011S	Big Eagle Creek and Raymond Street	39°44'06.242"N	86°11'47.788"W	Active, Subject to Sampling
012S	Williams Creek and 96th Street	39°55'36.952"N	86°10'19.747"W	Active, Subject to Sampling
013S	Bean Creek and Garfield Park	39°43'58.264"N	86°08'40.204"W	Active, Subject to Sampling
014S	Bean Creek and Southern Avenue	39°43'49.050"N	86°08'00.828"W	Active, Subject to Sampling
015S	Pleasant Run and 16th Street	39°47'20.397"N	86°03'10.906"W	Active, Subject to Sampling
016S	Pleasant Run and Meridian Street	39°43'52.268"N	86°09'32.545"W	Active, Subject to Sampling
017S	Pogues Run and 21st Street	39°47'46.595"N	86°05'55.044"W	Active, Subject to Sampling
018S	Pogues Run and New York Street	39°46'16.437"N	86°08'25.183"W	Inactive, Not subject to Sampling
019S	Pogues Run and Brookside Park	39°47'26.061"N	86°06'25.033"W	Inactive, Not subject to Sampling
020S	Pogues Run and Emerson Avenue	39°48'27.142"N	86°04'59.726"W	Active, Subject to Sampling
021S	White River and State Road 144	39°34'00.530"N	86°15'21.026"W	Active, Subject to Sampling
022S	White River and Southwestway Park	39°38'28.725"N	86°14'20.301"W	Inactive, Not subject to Sampling
023S	White River and Tibbs/Banta Landfill	39°40'16.888"N	86°13'54.858"W	Inactive, Not subject to Sampling
024S	White River and Harding Street	39°43'37.129"N	86°11'13.098"W	Active, Subject to Sampling
025S	White River and Morris Street	39°45'05.084"N	86°10'28.348"W	Active, Subject to Sampling

Outfall	General Description	Latitude	Longitude	Status
026S	White River and 30th Street	39°48'33.591"N	86°11'40.361"W	Active, Subject to Sampling
027S	White River and 82nd Street	39°54'36.182"N	86°06'17.750"W	Active, Subject to Sampling
028S	Pogues Run and Vermont Street	39°46'20.525"N	86°08'21.08"W	Active, Subject to Sampling
029S	White River and Southport Road	39°39'46.584"N	86°14'09.993"W	Active, Subject to Sampling
030S	White River and I-465	39°41'31.194"N	86°13'22.887"W	Active, Subject to Sampling
031S	East Fork White Lick Creek and Mooresville Road	39°38'46.868" N	86°20'47.653" W	Active, Subject to Sampling
032S	East Fork White Lick Creek and Bridgeport Road	39°44'17.98" N	86°19'1.821" W	Active, Subject to Sampling
033S	Lick Creek and Sherman Drive	39°42'21.239"N	86°06'14.478"W	Active, Subject to Sampling

2. Prior to abandoning or re-locating a monitoring point, the City shall make a request to the Department in writing and include the rationale for the requested change in location. Upon approval by the Department and agreement on the outfall designation number, the City may begin monitoring at the new location.
3. In addition to the sampling conducted at the twenty-eight in-stream sites, the City shall coordinate their monitoring efforts with, and develop joint conclusions based on the existing Marion County Health Department monitoring programs.
4. Pollutant Analysis: The permittee shall analyze collected samples for the pollutants listed in Table III. Analysis and collection of samples shall be done in accordance with the methods specified at 40 CFR Part 136. Where an approved 40 CFR Part 136 method does not exist, any available method may be used unless a particular method or criteria for method selection (such as sensitivity) has been specified in the permit. Use of other available methods must be duly noted in the permittee's annual reports.

**Sample Type and Collection:** A grab sample shall be taken at each of the locations identified in Part III.A.1. of this permit on a monthly basis to determine ambient conditions of the MS4 area receiving waters. During each year of the permit term, at least three (3) of the twelve (12) monthly sample collections for ambient receiving water shall be reflective of wet weather discharges into the receiving waters. For wet weather samples, one (1) sample shall be collected during each of the intervals of February through May, June through September, and October through January. It is not necessary that all 28 sites be sampled for wet weather conditions in the same month, however the City must establish an in-house method to track/ensure that all outfalls receive at least 3 wet-weather sampling events per year if they are going to wet weather sample different months at different outfalls.

For wet weather samples, samples shall be collected after a storm event that is greater than one-tenth (0.1) inches of rainfall and at least seventy-two (72) hours from the previously measurable (greater than one-tenth (0.1) inches) storm event. The required seventy-two (72) hour storm event interval is waived where the preceding measurable storm event did not result in a measurable storm water discharge into the receiving water, or where the permittee documents that less than a seventy-two (72) hour interval is representative for local storm events during the season when sampling is being conducted.

5. Record Keeping: In addition to the Table III sample parameters, the permittee shall record the date and time of sample collection, and the duration (in hours) between the sample collection and the end of the previous measurable (greater than one-tenth (0.1) inch rainfall) storm event. For wet weather samples, the permittee shall also maintain records of the storm events: date and duration (in hours); and rainfall measurements or estimates (in inches).

For wet weather events, the rainfall (inches), duration (hours), and dry days preceding precipitation event information can be recorded on the DMR (monitoring report) form and note the sampling date in the “comments” or in an attached letter.

6. Monthly Loadings and Mean Concentrations: All necessary sampling data shall be collected to provide estimates of the monthly pollutant loadings and mean concentrations for the parameters listed in Table III. Other sources of data may also be used to provide these estimates. Estimates of the monthly pollutant loadings and mean concentrations and a description of the procedures used for calculating these values shall be included in the annual report for the fifth year of the permit term.

## B. Storm Water Monitoring Requirements

**Table III B**

Parameter	Concentration Limit	Units	Measurement Frequency	Sample Type	Detection Limit
Flow	Report	Gal	Monthly	Estimate Total	None
Temperature	Report	Degrees F	Monthly	Grab	None
Conductivity	Report	μS/cm	Monthly	Grab	1.0 μS/cm
Dissolved Oxygen	Report	mg/L	Monthly	Grab	1.0 mg/L
Total Suspended Solids	Report	mg/L	Monthly	Grab	4.0 mg/L
Total Dissolved Solids	Report	mg/L	Monthly	Grab	6.0 mg/L
pH	Report	s.u.	Monthly	Grab	None
Oil & Grease [4]	Report	mg/L	Monthly	Grab	5.0 mg/L
BOD <sub>5</sub>	Report	mg/L	Monthly	Grab	2.0 mg/L
COD	Report	mg/L	Monthly	Grab	3.0 mg/L
Total Kjeldahl Nitrogen	Report	mg/L	Monthly	Grab	0.05 mg/L
Nitrate plus Nitrite Nitrogen	Report	mg/L	Monthly	Grab	0.01 mg/L
Total Phosphorus	Report	mg/L	Monthly	Grab	0.01 mg/L
Ammonia Nitrogen	Report	mg/L	Monthly	Grab	0.03 mg/L
Chlorides [5]	Report	mg/L	Monthly	Grab	1.0 mg/L
Total Chlorine Residual [6]	Report	mg/L	Monthly	Grab	0.01 mg/L
E. coli	Report	CFU/100 mL	Monthly	Grab	1CFU/100 ml
Amenable Cyanide [2]	Report	mg/L	Monthly	Grab	0.005 mg/L
Hardness as CaCO <sub>3</sub>	Report	mg/L	Monthly	Grab	1.0 mg/L
Total Zinc [1]	Report	μg/L	Monthly	Grab	6.0 μg/L
Arsenic [1]	Report	μg/L	Monthly	Grab	5.0 μg/L
Total Cadmium [1]	Report	μg/L	Monthly	Grab	2.0 μg/L
Total Copper [1]	Report	μg/L	Monthly	Grab	2.0 μg/L
Total Lead [1]	Report	μg/L	Monthly	Grab	2.0 μg/L
Total Nickel [1]	Report	μg/L	Monthly	Grab	1.5 μg/L

- [1] The City shall measure and report these parameters as **total recoverable** metal.
- [2] Cyanide shall be reported as Free Cyanide or Cyanide Amenable to Chlorination. Concentrations less than the Limit of Quantitation (LOQ) and greater than or equal to the Limit of Detection (LOD) shall be reported by the permittee on the discharge monitoring report forms as the actual measured value. Concentrations less than the limit of detection shall be reported on the discharge monitoring report forms as less than the value of the limit of detection. For example, if a substance is not detected and the LOD is 0.1 mg/l, report the value as < 0.1 mg/l.

Parameter	EPA Method	LOD	LOQ
Cyanide, Free	4500 CN-G	5.0 ug/l	16.0 ug/l
Cyanide, Free	1677	0.5 ug/l	1.6 ug/l

The maximum holding time is 24 hours when sulfide is present. Therefore, initially the CN sample should be a grab sample that is tested with lead acetate paper before pH adjustments in order to determine if sulfide is present. If sulfide is present, it can be removed by the addition of cadmium nitrate powder until a negative spot test is obtained. The sample is filtered and then NaOH is added to pH 12. The sample may then be analyzed within 14 days. Alternatively, if the permittee can demonstrate that the wastewater contains no sulfide, the permittee may collect a composite sample and analyze it within 14 days.

- [4] Oil and grease analysis is only required for samples obtained during wet weather and, for samples collected during dry weather, when a noticeable sheen is present during the sample collection.
- [5] Chloride sampling shall be collected monthly, but only during the months when deicing compounds are applied to impervious surfaces, regardless of the source. At a minimum, chlorides shall be sampled and analyzed during December, January, and February.
- [6] Total chlorine shall only be sampled and analyzed from an outfall discharge, when chlorinated compounds are used to treat storm water within the MS4 conveyance associated with an outfall selected for sampling.

## **PART IV**

### **Reporting**

#### **A. Requirements:**

1. **Monitoring Reports:** The City shall submit accurate and representative monitoring reports to the Department containing results obtained during the previous month and shall be postmarked no later than the 28th day of the month following each monitoring period. If this time frame is too challenging during certain months, the City may notify the Department and be allowed up to 60 days for postmarked monitoring report submittal following the end of the monitoring period.

Monitoring results shall be reported on Discharge Monitoring Reports (DMRs) or other state approved forms.

The United States Environmental Protection Agency (U.S. EPA) Regional Administrator may request the City to submit monitoring reports to the U.S. EPA if it is deemed necessary to assure compliance with the permit.

2. **Compliance Schedule Reports:** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date in accordance with Part IV.A. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, the estimated date of compliance, and the probability of meeting the next schedule requirement.
3. **Annual Report:** The City shall submit an annual report to the Department during the second and fourth year of the permit term. The annual reports for years two and four of this permit term will include full, detailed update of compliance status for Part II of the Storm Water Management Plan. The reports are due to the Department three months after the end of each reporting period.

The report will be provided electronically to the Department no later than three months following the end of the second and fourth year. The report shall include the following:

- a. A summary evaluation of the SWQMP, including identification of water quality improvements or degradation, areas of accomplishment, areas needing improvement and the future direction of the program.
- b. The status of implementing the SWQMP and compliance with any schedules established under this permit.
- c. Proposed revisions to the SWQMP or the monitoring program.
- d. A summary of the Assessment of Controls required in Part II.J.
- e. A summary and analysis of the data, including monitoring data that is generated throughout the reporting year.
- f. A fiscal analysis, including the annual expenditures for the reporting period, with a breakdown for the major elements of the SWQMP and the budget for the next year.



- g. A summary of statistical information related to storm water management programs such as the number and nature of enforcement actions, inspections, and the volume of hazardous waste collected.
  - h. A summary of public education activities.
  - i. A summary of the storm drain marking activities.
  - j. A summary of catch basin cleaning and sweeping of curbed streets.
  - k. Summary for the operation and maintenance of structural treatment controls.
  - l. A summary of MS4 conveyance maintenance activities.
  - m. Summary of pesticide use.
  - n. Summary of the household hazardous waste and used oil program.
  - o. Summaries of the results of the implementation of SOPs for inspection and cleaning of open channels and ditches, maintenance facilities and vehicle yard areas, and parking lots.
  - p. Progress of inventory and mapping efforts.
  - q. Results of automotive service facility and retail gasoline outlet inspection evaluations.
  - r. An evaluation of known existing structural BMPs owned or operated by the City.
  - s. Summary of the evaluation of the educational outreach program for the middle school children.
  - t. Estimates of monthly pollutant loadings and mean concentrations required in Part III.
  - u. Outreach strategy for the sustainable development / green storm water infrastructure program.
4. Required certifications and reports will be submitted as attachments to all annual reports.
5. All reports required by this permit shall be signed and certified in accordance with Part V.C.6. A signed copy of required reports shall be submitted to the following address according to the following:
- a. Compliance Data Section shall be the primary contact for inquiries and all reports and correspondence related to:
    - (1) Discharge Monitoring Reports (DMRs)  
Indiana Department of Environmental Management  
Office of Water Quality, Compliance Data Section  
100 North Senate Avenue  
MC 65-42  
Indianapolis, Indiana 46204
  - b. Storm Water Program shall be the primary contact for inquiries and all reports and correspondence related to:
    - (1) Compliance Schedule Reports
    - (2) Annual reports
    - (3) Items identified in Part II of this permit  
Indiana Department of Environmental Management  
Office of Water Quality, Storm Water Program  
MC 65-42  
100 North Senate Avenue, Room 1255  
Indianapolis, Indiana 46206-6015

**B. Reopening Clauses**

1. This permit may be modified, or alternately, revoked and reissued if the Commissioner determines that additional monitoring requirements, effluent limitations or other measures are needed to assure that the discharges do not cause or contribute to exceedances of Indiana water quality standards.
2. This permit may be modified, or alternately, revoked and reissued to include, as co-permittees, operators of discharges from other municipal separate storm sewer systems designated by the Commissioner as part of the City's MS4 conveyance.
3. This permit may be modified, or alternately, revoked and reissued if run-off from any part of the MS4 jurisdictional area flows, either directly or indirectly, to an impaired water body, that has a U.S. EPA approved TMDL that establishes wasteload allocations for discharges of a pollutant or pollutants of concern to the impaired water body.

## **PART V**

### **Standard Conditions**

#### **A. General Conditions:**

##### **1. Duty to Comply**

The permittee shall comply with all conditions of this permit in accordance with 327 IAC 5-2-8(1). Any permit noncompliance constitutes a violation IC 13 and is grounds for enforcement action or permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

##### **2. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any adverse impact on the environment resulting from noncompliance with this permit.

##### **3. Duty to Provide Information**

The permittee shall furnish to the Commissioner, within a reasonable time, any information which the Commissioner may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Commissioner, upon request, copies of records required to be kept by this permit.

##### **4. Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a renewal of this permit in accordance with 327 IAC 5-2-8(2). The application must be submitted at least one-hundred eighty (180) days before the expiration date of this permit. The Commissioner may grant permission to submit an application less than one-hundred eighty (180) days in advance of the expiration date of this permit but no later than the permit expiration date.

##### **5. Transfers**

This permit is nontransferable to any person except after notice to the Commissioner pursuant to Regulation 327 IAC 5-2-6(c). The Commissioner may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

##### **6. Permit Actions**

In accordance with 327 IAC 5-2-8(4), this permit may be modified, revoked and reissued, or terminated for cause, including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of (i) a request by the permittee for a permit modification, revocation and reissuance, or termination, or (ii) a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

7. Property Rights

The issuance of this permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or an invasion of other private rights, nor any infringement of Federal, State, or local laws or regulations as stated in 327 IAC 5-2-8(6).

8. Severability

The provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application or such provision to other circumstances and the remainder of this permit shall not be affected thereby.

9. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the Clean Water Act.

10. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State Law or Regulation under authority preserved by Section 510 of the Act.

11. Penalties for Violation of Permit Conditions

Pursuant to IC 13-30, any person who violates a permit condition implementing sections 301, 302, 306, 307, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than two-thousand five-hundred dollars (\$2,500) nor more than twenty-five thousand dollars (\$25,000) per day of violation, or by imprisonment for not more than one (1) year, or both. If the conviction is for a violation committed after a first conviction of such person under this provision, punishment shall be a fine of not more than fifty thousand dollars (\$50,000) per day of violation, or by imprisonment for not more than two (2) years, or both.

Except as provided in permit conditions on "Bypass of Treatment Facilities," Part V.B.2., and "Upset Conditions," Part V.B.3., nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

12. Toxic Pollutants

Notwithstanding Part V.A.6., if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition in accordance with 327 IAC 5-2-8(5).

13. Construction Permit

The permittee shall not construct, install, or modify any water pollution treatment/control facility without a valid construction permit issued by the Department pursuant to 327

IAC 3-2. Upon completion of any construction, the permittee must notify the Compliance Evaluation Section of the Office of Water Quality in writing.

14. Inspection and Entry

In accordance with 327 IAC 5-2-8(7), the permittee shall allow the Commissioner, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where the MS4 conveyances or discharges from the MS4 conveyances are located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

**B. Management Requirements**

1. Proper Operation, Maintenance and Quality Control

Pursuant to 327 IAC 5-2-8, all storm water collection, control, treatment, and disposal facilities shall be operated in a manner consistent with the following:

- a. at all times, all facilities shall be operated as efficiently as possible and in a manner which will reduce the discharge of pollutants to the maximum extent practicable.
- b. the permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance, and testing functions required to ensure compliance with the conditions of this permit.
- c. maintenance of all storm water collection, control, treatment, and disposal facilities that results in degradation of effluent quality shall be scheduled during non-critical water quality periods.

2. Bypass of Treatment Facilities

- a. Bypasses, as defined below, are prohibited, and the Commissioner may take enforcement action against a permittee for bypass, unless:
  - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, as defined below;
  - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
  - (3) The permittee submitted notices as required under Part V.B.2.b.; or
  - (4) The condition under Part V.B.2.d. below is met.

- b. The permittee must provide the Commissioner with the following notice:
  - (1) If the permittee knows or should have known in advance of the need for a bypass (anticipated bypass), it shall submit prior written notice. If possible, such notice shall be provided at least ten (10) days before the date of the bypass for approval by the Commissioner.
  - (2) The permittee shall orally report an unanticipated bypass within twenty-four (24) hours of becoming aware of the bypass event. The permittee must also provide a written report within five (5) days of the time the permittee becomes aware of the bypass event. The written report must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the event.
- c. The Commissioner may approve an anticipated bypass, after considering its adverse effects, if the Commissioner determines that it will meet the three conditions listed above in Part V.B.2.a. The Commissioner may impose any conditions determined to be necessary to minimize any adverse effects.
- d. The permittee may allow any bypass to occur that does not cause a violation of water quality standards, but only if it also is for essential maintenance to assure efficient operation. This provision will be strictly construed. These bypasses are not subject to the provisions of Part V.B.2.a. and b.
- e. "Bypass" means the intentional diversion of a waste stream from any portion of a treatment facility.
- f. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

### 3. Upset Conditions

Pursuant to 327 IAC 5-2-8(12):

- a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph c of this subsection, are met.

- c. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:
  - (1) An upset occurred and the permittee has identified the specific cause(s) of the upset;
  - (2) The permitted facility was at the time being operated in compliance with proper operation and maintenance procedures; and
  - (3) The permittee complied with any remedial measures required under Part V.A.2.
  - (4) The permittee submitted notice of the upset as required in the “Twenty-Four Hour Reporting Requirements”, Part V.C.3 or 327 IAC 2-6.1, whichever is applicable. (40CFR 122.41 (1)(6)(ii)(B))
- d. In any enforcement proceeding the permittee, seeking to establish the occurrence of an upset, has the burden of proof.

4. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or structural control of storm water shall be disposed of in compliance with all applicable Indiana statutes and regulations.

- a. Collected screenings, slurries, sludges, and other such pollutants shall be disposed of in accordance with methods established in 329 IAC 10 and 327 IAC 6.1, or another method approved by the Commissioner.
- b. The permittee shall comply with applicable existing federal regulations governing solids disposal.

**C. Monitoring and Reporting Requirements**

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part IV.A.1.

3. Twenty-Four Hour Reporting

The permittee shall orally report to the Commissioner information on any noncompliance which may pose a significant danger to human health or the environment within twenty-four (24) hours from the time permittee becomes aware of such noncompliance.

A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce and eliminate the noncompliance and prevent its recurrence. The Commissioner may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

4. Planned Changes in Facility or Discharge

Pursuant to 327 IAC 5-2-8 (10)(F), the permittee shall give notice to the Commissioner as soon as possible of any planned physical alterations or additions to the permitted facility. In this context, permitted facility refers to a point source discharge, not a wastewater treatment facility. Notice is required only when either of the following applies:

- a. The alteration or addition may meet one of the criteria for determining whether the facility is a new source as defined in 327 IAC 5-1-5.
- b. The alteration or addition could significantly change the nature of, or increase the quantity of pollutants discharged. The notification applies to pollutants that are subject neither to effluent limitations in Part I.A. nor to notification requirements in Part II.C.9. of this permit.

Following such notice, the permit may be modified to revise existing pollutant limitations and/or to specify and limit any pollutants not previously limited.

5. Anticipated Noncompliance

The permittee shall give advance notice to the Commissioner of any planned facility or activity, which may result in noncompliance with permit requirements.

6. Other Noncompliance

The permittee shall report any instance of noncompliance not reported under Part IV.A. or Part V.C.3 at the time the pertinent discharge monitoring report is submitted. The report shall contain the information specified in Part V.C.3.

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Commissioner, the permittee shall promptly submit such facts or information.

7. Other Information

Pursuant to 327 IAC 5-2-8(10)(E), where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report, the permittee shall promptly submit such facts or corrected information to the Commissioner.

8. Signatory Requirements

Pursuant to 327 IAC 5-2-22:

- a. All reports required by the permit and other information requested by the Commissioner shall be signed and certified by a person described below or by a duly authorized representative of that person:
  - (1) For a Federal, State, or local governmental body or any agency or political subdivision thereof: by either a principal executive officer or ranking elected official.
- b. A person is a duly authorized representative only if:
  - (1) The authorization is made in writing by a person described above.
  - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
  - (3) The authorization is submitted to the Commissioner.



- c. Changes to authorization. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this section must be submitted to the Commissioner prior to, or together with any reports, information, or applications to be signed by an authorized representative.

- d. Certification. Any person signing a document identified under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

#### 9. Availability of Reports

Except for data determined to be confidential under 327 IAC 12.1, all reports prepared in accordance with the terms of this permit and submitted to the Department shall be available for public inspection at the offices of the Department and the U.S. EPA Regional Administrator. As required by the Clean Water Act, permit applications, permits, and effluent data shall not be considered confidential.

#### 10. Test Procedures

With the exception of dry weather screening required pursuant to Part II.D.1.b., the analytical and sampling methods used shall conform to the current version of 40 CFR, Part 136. The approved methods may be included in the texts listed below. However, different but equivalent methods are allowable if they receive the prior written approval of the Department and the U.S. EPA.

- a. Standard Methods for the Examination of Water and Wastewater  
18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> Editions, 1992, 1995, or 1998  
American Public Health Association, Washington, D.C. 20005.
- b. A.S.T.M. Standards, Part 23, Water; Atmospheric Analysis  
1972 American Society for Testing and Materials,  
Philadelphia, PA 19103.
- c. Methods for Chemical Analysis of Water and Wastes  
June 1974, Revised, March 1983, Environmental Protection  
Agency, Water Quality Office, Analytical Quality Control  
Laboratory, 1014 Broadway, Cincinnati, OH 45202.

#### 11. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The person(s) who performed the sampling or measurements;
- c. The dates the analyses were performed;
- d. The person(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of all required analyses and measurements.

12. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the discharge monitoring report pursuant to Part IV.A. Such increased frequency shall also be indicated.

13. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. The permittee shall retain a copy of the SWQMP developed in accordance with Parts II and III for at least three (3) years after coverage under this permit terminates. The three (3)-year period shall be extended:

- a. automatically during the course of any unresolved litigation regarding the discharge of pollutants by the permittee; or
- b. as requested by the U.S. EPA Regional Administrator or the Department.

14. Penalties for Falsification of Reports

IC 13-30 provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, shall, upon conviction, be punished by a fine or not more than ten thousand dollars (\$10,000) per violation, or by imprisonment for not more than six (6) months per violation, or by both.

15. Spill Response and Reporting Requirement

Pursuant to 327 IAC 2-6.1, any discharge of pollutants to waters of the State from the permittee's collection system or wastewater treatment plant which results in damage, acute injury, or death to any humans, animals, or aquatic life must be reported as soon as possible, but within two (2) hours after the permittee becomes aware of the occurrence. (This includes any discharge regardless of whether or not it is authorized by the NPDES permit.)

The permittee is required to notify the Department's Office of Land Quality, Emergency Response Section at 317/233-7745 or 888/233-7745 (toll-free within Indiana) of any discharges which meet the criteria of 327 IAC 2-6.1.